

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

November 9, 2006 Session

**BASIL MARCEAUX v. THE CITIZEN DAVID NORTON**

**Appeal from the Chancery Court for Hamilton County**  
**No. 03-0368     W. Frank Brown, III, Chancellor**

---

**No. E2005-00578-COA-R3-CV - FILED NOVEMBER 28, 2006**

---

The plaintiff, Basil Marceaux, filed a pleading in the trial court which he entitled "Motion for Doctrine of Mandamus." The trial court dismissed the motion. The plaintiff appeals. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court**  
**Affirmed; Case Remanded**

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which D. MICHAEL SWINEY and SHARON G. LEE, JJ., joined.

Basil Marceaux, appellant, *pro se*.

Ronald D. Wells and Stacy Lynn Archer, Chattanooga, Tennessee, attorneys for appellee, The Citizen David Norton.

**MEMORANDUM OPINION<sup>1</sup>**

The pleading filed by the plaintiff fails to state a cause of action. It was properly dismissed by the trial court. *See* Tenn. R. Civ. P. 12.02(6); *see also City of Brentwood v. Metropolitan Bd. of Zoning Appeals*, 149 S.W.3d 49, 53-54 (Tenn. Ct. App. 2004). We find no error in the trial court's judgment.

---

<sup>1</sup> Rule 10 of the Rules of the Court of Appeals provides as follows:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

The judgment of the trial court is affirmed. Costs on appeal are taxed to the appellant, Basil Marceaux. This case is remanded to the trial court for collection of costs assessed below, pursuant to applicable law.

---

CHARLES D. SUSANO, JR., JUDGE